IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/770,433

First named inventor: Adam Leslie Clark

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Sir:

   Responsive to the Notice of Non-Compliant Appeal mailed 14 July 2008, attached are revisions to the identified portions of the Appeal Brief.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claims 1 and 14 are the sole independent claims pending on appeal. Claim 1 reads as follows:

> A method [800] for decoding an encoded video file [121], comprising:
> receiving the encoded video file [805], wherein the encoded video file includes a plurality of encoded video data tables [320] and a plurality of reference pixel value sets [350], the reference pixel value sets corresponding to those pixels having most significant color component intensity values for pixels within a video frame [210] from which the encoded video data tables [320] were produced;
> decoding the plurality of encoded video data tables using the plurality of reference pixel value sets [810-860]; and
> returning decoded video data [865].

According to claim 1, an encoded video file is received and decoded, providing a decoded video file, for example for a playback engine. Specification at ¶58. As explained in the present application, the encoded video file includes tables of pixel reference values and encoded video data for each video frame encoded by an encoder. Specification at ¶35. A decoder processes the encoded video file to provide the decoded video file by mapping each dominant color value (R, G, B, or Black) to a corresponding reference pixel value and scaling by an appropriate scaled color value. The resulting rescaled pixel color parameters are stored in a decoded video table. Specification at ¶60. This continues until all pixels in a frame are processed. Specification at ¶62.

Claim 14 reads as follows:

> A method for decoding an encoded pixel, comprising:
> receiving, from an encoder, the encoded pixel [322] and a reference pixel value set [350], the reference pixel value set corresponding to a pixel having a most significant color component intensity value for pixels within a video frame [210] from which the encoded pixel was produced;
> decoding [810-825] the encoded pixel using the reference pixel value set; and
> returning decoded pixel data.

According to claim 14, an encoded pixel (e.g., one of the pixels from the encoded video file discussed above), and the reference pixel value set from the corresponding frame are used to produce a decoded pixel. The reference pixel value set refers to the set of pixels from the subject frame corresponding to the highest color intensity values of red, green, blue and black within that frame. Specification at ¶33. The encoded pixel is decoded using that reference pixel set by mapping each dominant color value (R, G, B, or Black) to a corresponding reference pixel value. The reference pixel value is then scaled by the scaled color value. The resulting rescaled pixel color parameters are stored in decoded video table. . Specification at ¶60.

The Specification provides an example of this process, summarized here: for a given pixel having a color code of "Red" and scaled color value of 6, if the reference pixel value for the "red" pixel is [625, 350, 205] for its respective RGB values, then the subject pixel's color parameters (RGB values) will be [375, 225, and 123], respectively (red value = 0.6 x 625 = 375; green value = 0.6 x 350 = 225; blue value = 0.6 x 205 = 123). Specification at ¶60.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1, 14 and 17 (which appear to have been rejected under 35 USC 103, and not 102(b) as recited in the Final Office Action) are patentable over US Patent No. 5,764,804, (hereinafter "Yajima") in view US Patent No. 5,974,172 (hereinafter "Chen").

Whether claims 2-3, 5, 8, 10-11, 15 and 21-22 (which were rejected under 35 USC 103) are patentable over Yajima and Chen in view of US Patent 4,730,214 to Lambert et al. ("Lambert")?

Whether claim 9 (which was rejected under 35 USC 103) is patentable over Yajima and Chen in view of US Patent 6,662,309 to Ando et al. ("Ando")?

Whether claim 12 (which was rejected under 35 USC 103) is patentable over Yajima and Chen in view of Lambert and Ando?

Whether claims 20 and 23 (which were rejected under 35 USC 103) are patentable over Yajima and Chen in view of Lambert and Ando?

Whether claim 13 (which was rejected under 35 USC 103) is patentable over Yajima and Chen in view of Lambert and US PGPUB 2003/0084462 ("Kuobota")?

Whether claims 6 and 18 (which were rejected under 35 USC 103) are patentable over Yajima and Chen in view of US Patent 5,083,195 to Evelin ("Evelin")?

Whether claims 7 and 19 (which were rejected under 35 USC 103) are patentable over Yajima and Chen in view of Evelin and US Patent 6,118,823 to Carr ("Carr")?

Because all of the rejections rely on the combination of Yajima and Chen, the Argument focuses on the patentability of the claims over these references.

If there are any additional fees due in connection with the filing of paper, please charge our deposit account 19-3140.

Respectfully submitted,

SONNENSCHEIN NATH & ROSENTHAL LLP

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/Tarek N. Fahmi/
Tarek N. Fahmi
Reg. No. 41,402

PO Box 061080
Wacker Drive Station, Sears Tower
Chicago, IL 60606-1080
650-798-0320